
REZONING PROCEDURES

1-07.1.0	PURPOSE
1-07.2.0	DEFINITIONS
1-07.3.0	APPLICABILITY
1-07.4.0	PROCEDURES
1-07.5.0	RESPONSIBILITY FOR REVIEW
1-07.6.0	EXHIBITS

1-07.0.0 REZONING PROCEDURES.

1-07.1.0 PURPOSE. This Standard is established to provide supporting information for the rezoning procedures adopted in the Tucson *Land Use Code (LUC)*. The rezoning procedures were established to assist applicants. The timelines built into the procedures are intended to provide the minimum ~~amount of~~ sufficient time necessary for Planning Department of Urban Planning and Design staff to review and process rezoning applications, while also ~~providing~~ allowing adequate time for applicants to comply with conditions of rezoning.

1-07.2.0 DEFINITIONS. Definitions used in this Standard are found in the Development Standards Glossary or in Sec. 6.2.0 of the *LUC*.

1-07.3.0 APPLICABILITY. The following information and requirements apply to all rezoning requests, including those in process, ~~with the exception of~~ for rezonings to the Planned Area Development (PAD) zone. ~~For information on processing a PAD zone application, refer to LUC Sec. 5.4.2.4 for the Type IV Legislative Procedure and Development Standard 1-06.0. Supplemental information that specifically applies to rezoning to a Planned Area Development (PAD) zone is provided in Sec. 1-06.~~

Exception: ~~If a property is zoned O-3 and is proposed for rezoning to the R-3 zone, the applicant shall be exempt from rezoning fees and the preliminary development plan submittal requirements, provided the property was zoned R-4 on June 30, 1995. In addition, the staff report shall not recommend dedication of right-of-way, improvements, or any other similar exactions that are not standard requirements applied through the building permit process for projects to be developed under existing zoning. This exception expires on July 1, 2000. The applicant is advised that the application is processed as a rezoning which includes public notification, a public hearing, and the associated fees. A preliminary development plan would be helpful in addressing questions arising during the rezoning process.~~

1-07.4.0 PROCEDURES. Rezoning requests are processed through either the Type II Zoning Examiner Legislative Procedure, as provided by the *LUC* in Sec. 5.4.2.2 5.4.1 and 5.4.3; or the Type III Legislative Procedure, as provided by the *LUC* in Sec. 5.4.2.3. The A rezoning applicant may request the use of either the Type II or III procedure; however, should the Type III procedure, "early ordinance," be requested, staff may, upon evaluation of the submitted material, ~~recommend against the adoption of the "early ordinance."~~ rezoning authorization, or direct adoption of a rezoning ordinance.

A Type II Legislative Procedure, Sec. 5.4.2.2, is the standard rezoning procedure and the one used for rezoning requests when conditions of rezoning are satisfied prior to Mayor and Council consideration of adoption of a rezoning ordinance. This procedure is generally applied to rezoning requests where the proposed development is conceptual and specific development information cannot be provided. The authorization process provides for staff review and a public hearing before the Zoning Examiner on conceptual applications. In these cases, the Mayor and Council initially determine whether to authorize the rezoning subject to conditions that will be completed after the authorization. Once After the conditions have been completed, an ordinance is prepared for adoption by the Mayor and Council. The decision on whether to adopt the ordinance is discretionary, and the Mayor and Council may deny an application even if it has met the conditions for authorization, or they may add or delete conditions.

A Type III Legislative Procedure, Sec. 5.4.2.3, is the rezoning procedure used for rezonings when an ordinance is adopted prior to compliance with conditions of rezoning. This procedure is also known as the “early ordinance” process. The Mayor and Council, in considering the application, is not obligated to approve or deny the ordinance at this time. They may choose to delay approval of an ordinance until the rezoning conditions have been met. Generally, the “early ordinance” procedure is utilized for projects which provide a fully-dimensioned development plan drawn in accordance with the requirements of Development Standard No. 2-05.0 and includes specific information on building size and setbacks; projected tenants (by use); compliance with motor vehicle and bicycle parking, landscaping and screening, and pedestrian access requirements; architectural design; and any other measures proposed for mitigation of negative impacts on surrounding properties. The direct ordinance process provides for staff review and a public hearing before the Zoning Examiner followed by the direct consideration of an ordinance by the Mayor and Council. The direct ordinance process requires the submittal to, and initial review of a development plan per Development Standard No. 2-05.0, and/or a subdivision plat per Development Standard No. 2-03.0, by the Community Design Review Committee (CDRC). Rezoning section staff may, upon evaluation of the CDRC comments, recommend against direct ordinance adoption.

The Type II and the Type III Legislative Procedures are identical, except for the application requirements and the point in the process at which an ordinance is presented to Mayor and Council for consideration. The following provides additional clarification to the procedures as delineated in the LUC.

Planned Area Development (PAD) rezoning cases have supplemental requirements set forth in LUC Sec. 2.6.3 and DS Sec. 1-06.

Ordinance adoption completes the legislative process but does not, by itself, effectuate the new zoning. Once After an ordinance is adopted, legal rights to develop in accordance with the rezoning ordinance do not accrue until a state mandated thirty (30) day referendum period has passed and any administrative conditions, such as the issuance of a building permit or approval of a final plat, approval have been satisfied. If the conditions are not satisfied within established time periods, the rezoning may be nullified.

- 4.1 Preapplication Conference. The applicant and/or representative is required to meet with staff prior to submitting a rezoning application. It is recommended, but not required, that the owner, or prospective owner, and his or her representative attend this meeting. The preapplication conference format was established to acquaint the applicant with adopted

City plans, policies, regulations, procedures, and other information that will assist ~~the applicant~~ in determining if a rezoning application should be filed. ~~Whether an amendment to The need to amend~~ the applicable subregional, area, or neighborhood plan, ~~is required~~ before a rezoning application can be accepted, will also be discussed.

Submittal requirement information will also be discussed during the preapplication conference. The submittal requirements are based on the applicable subregional, area, or neighborhood plan requirements; the project's relationship to washes, trails, resource corridors, and certain public preserves; and the option chosen under the Native Plant Preservation Ordinance (NPPO). The submittal requirements are also affected by ~~whether a Type II or Type III rezoning procedure is chosen by the applicant~~ will request rezoning authorization or direct ordinance adoption. For specific submittal information, refer to Sec. 1-07.4.3 of this Standard. ~~Since this is a preapplication conference and staff is being appraised of the request for the first time, staff~~ Staff comments will not be detailed but will prepared for the preapplication conference are general and are intended to provide enough sufficient information ~~for to allow~~ enable the applicant to decide whether or not to proceed to with the next step rezoning request.

- 4.2 Neighborhood Meeting. In accordance with Sec. ~~5.4.5.2~~ 5.4.1.2 of the *LUC*, the applicant is required to offer to meet with ~~the owners of property surrounding the subject rezoning site prior to filing a rezoning application with the City~~ (1) the owners of any property that is, at a minimum, within three hundred (300) feet of the rezoning site; and (2) all neighborhood associations that cover an for areas which falls within one (1) mile of the rezoning site and that are registered with the Department of Neighborhood Resources, and (3) the ~~The office of the Council Ward in which the rezoning site is located is also to be notified of the meeting. Mailing labels for the above parties should be obtained from the Department of Urban Planning and Design.~~ To comply with the offer to meet requirement, the offer is to be in writing and is to specify the date, time, location, and purpose of the meeting. The offer to meet shall describe the substance of the application and advise the recipients that they may submit comments to the DUPD Department of Urban Planning and Design Director prior to the public hearing and/or speak at the public hearing. The offer to meet shall be mailed at least ten (10) days prior to the date of the meeting, and the meeting shall occur between fifteen (15) and sixty (60) days prior to the submission of the application to the City. The meeting should be held at a location within a reasonable distance of near the rezoning site and scheduled in the evening or on a weekend, to encourage greater participation. ~~The written invitation should be mailed so that it is received at least one week prior to the meeting. The invitation is to be sent specifically to: (1) the owners of any property that is, at a minimum, within three hundred (300) feet of the rezoning site; and (2) all neighborhood groups that cover an area which falls within one (1) mile of the rezoning site and are registered with the City's Citizen and Neighborhood Services Office.~~
- 4.3 Application. Rezoning application packets are available from the Planning Department of Urban Planning and Design. To initiate the rezoning process, submit applications the rezoning application and accompanying supporting materials to are submitted to the Planning Department of Urban Planning and Design. Incomplete or inaccurate applications will not be accepted, nor will any application in which the preapplication conference or neighborhood meeting requirements have not been met.

The following documents and information shall be submitted upon application. The types of documents and the specific number of copies required ~~of each of the documents~~ is listed in the rezoning application packet.

- A. *Application Form.* The rezoning application form, which is available at the Planning Department of Urban Planning and Design, is to be completed, including the required signatures. If the applicant is not the property owner, a letter from the property owner authorizing the applicant to act as the agent may be submitted in lieu of the owner's signature.
- B. *Fees.* Fees, per Development Standard 1-05.0, shall be submitted with the application. Checks are made payable to the "City of Tucson." Planning Department of Urban Planning and Design staff will assist with fee calculations.
- C. *Neighborhood Meeting Information Documentation.* ~~Written proof Documentation of the neighborhood meeting is required and shall include at a minimum (1) of the written offer to meet with the surrounding property owners, (2) the mailing list, (3) the meeting attendance sign-in sheet, and (4) documentation summary minutes of the results of the meeting are required. This would include the meeting notification letter, the mailing list, and the minutes of the meeting.~~ The minutes should include any concerns raised at the meeting and the applicant's response to them, if any.
- D. *Preliminary Development Plan/Development Plan.*
 - 1. *Type II Legislative Procedure Rezoning Authorization.* Submittal requirements for a Type II Legislative Procedure Requests for rezoning authorization in accordance with Sec. 5.4.3 shall include a preliminary development plan for the purpose of providing the general public and staff with information on the proposed use and development of the subject property. While the plan is conceptual in nature, it should contain appropriate and sufficient information for the public, staff, Zoning Examiner, City Manager, and Mayor and Council to adequately assess the impacts of the proposed development. For specific information on the content of a preliminary development plan, refer to **Exhibit I**.
 - 2. *Type III Legislative Procedure Direct Ordinance Adoption.* Submittal requirements for a Type III Legislative Procedure ("early ordinance") Requests for direct adoption of a rezoning ordinance shall include a preliminary development plan ~~drawn in accordance with per~~ Development Standard No. 2-05.0 and first review comments from CDRC. The preliminary development plan, in this situation, is to show that the development will comply with regulations by providing specific detailed information, such as, but not limited to, building size, setbacks, and land use; compliance with motor vehicle and bicycle parking requirements, landscaping and screening regulations, and pedestrian and trash dumpster access; architectural design; and any proposed measures to mitigate negative impacts the proposed development may have on surrounding properties. Multiphased projects generally do not qualify for ~~an~~ "early ordinance" direct ordinance adoption ~~since~~ as specific information is not available.

- E. ~~General Site Inventory and Design Compatibility Report.~~ A General Site Inventory and Design Compatibility Report is required for all rezoning requests. This report should include a complete discussion of the rezoning site characteristics and conditions, as well as information ~~which~~ that addresses all relevant issues raised at the neighborhood meeting and the design issues identified in the subregional, neighborhood, and area plans applicable to the property ~~to acknowledge existing conditions.~~ For specific requirements, refer to **Exhibit II.**
- F. *Environmental Resource Report (ERR).* An Environmental Resource Report (ERR) is required for rezoning requests located in certain plan areas, along any designated resource corridor, within one (1) mile of any public preserve, or by the Tucson Stormwater Management Study. An ERR is also required if the set aside option is used to comply with the NPPO. It can also be used as the basis of the Native Plant Inventory and Native Plant Preservation Plan if prepared in sufficient detail. The public preserve must involve: (1) sensitive terrain, (2) significant wildlife areas, or (3) natural water courses or drainageways ~~which~~ that have been identified by a land use plan or by the Critical and Sensitive Biological Communities (Shaw) Map for preservation or protection. For specific requirements of the Environmental Resource Report ~~and~~ , including when it is required, refer to **Exhibit III.**
- G. *Cluster Option Report.* A Cluster Option Report is required for rezoning requests ~~which~~ that propose an increase in maximum residential gross density under the Low Intensity Urban cluster options in subregional plans (i.e., *Catalina Foothills*, *Rincon/Southeast*, and *Tucson Mountains*). "Low Intensity Urban" is one of the residential intensity categories shown on the land use map and legend for these subregional plans. The intent of the Cluster Option, available under the Low Intensity Urban category, is to promote innovative site planning that preserves natural site features and protects the character of adjacent neighborhoods. For specific information on the Cluster Option Report and when it is required, refer to **Exhibit IV.**
- H. ~~*Services Impact Report.* A Services Impact Report is required as part of a Type III Legislative Procedure rezoning application ("early ordinance" option). The purpose of the Services Impact Report is to allow the applicant and staff to determine the proposed project's demand on public services, as well as its impact on adjacent land uses. Additionally, the report provides staff the necessary information to thoroughly evaluate the proposed project for recommendation to the Mayor and Council. For specific information on the Services Impact Report, refer to~~ **Exhibit V.**

The next paragraph should be H, not I.

- I. *Original City Zoning Applications.* Applications for adoption of original City zoning shall provide, instead of the information required in A-HG above, information regarding the County zoning prior to annexation, the applicable county plans, whether any City plan has been adopted and the zoning that would be the most comparable to the county zoning without increasing the permitted densities or intensity of uses.

The next paragraph should be I, not J.

J. *Resubmittal of applications.* New applications will not be accepted for any property which had a previous application acted upon by the Mayor and Council within one (1) year of the date of that action, except:

1. When the application does not involve a request for a zoning change ~~which~~ that was denied, recommended for denial, or recommended for a substitute zoning classification from that requested and rejected by the applicant; or
2. When there has been substantial change in the use of the property adjacent to the proposed rezoning site since the previous case was heard; or
3. When there has been a substantial change in the proposed development.

Note: It is also the policy of the Mayor and Council to recognize the Pima County Board of Supervisors' one (1) year policy with respect to rezoning applications which have been denied, where these properties are later annexed into the city. The one (1) year waiting period begins on the day after the date the Board of Supervisors denied the application.

The next paragraph should be J, not K.

K. *Additional Information.* The Department of Urban Planning and Design Director may request additional information that may be useful or necessary for the review of and determination on the application.

- 4.4 Plan Compliance. All rezoning applications are reviewed for compliance with the *General Plan*, including applicable subregional, neighborhood, and area plans, as provided by Secs. ~~5.4.5.4~~ 5.4.1.3 and 5.4.1.7 of the *LUC*. If the application does not comply or if insufficient information is submitted to verify compliance, the application will be rejected and the applicant informed as to the steps necessary to reapply.

A rezoning application ~~which~~ that does not comply with the *General Plan*, including associated Area, Neighborhood, and Sub-regional Plans, will not be accepted for processing until the rezoning application has been amended to comply ~~or~~ Alternatively, a plan amendment ~~has been adopted~~ may be processed through a Type-I Planning Commission Legislative Procedure, Sec. ~~5.4.2.1~~ 5.4.1 and 5.4.2 of the *LUC*, which would bring the application into compliance. ~~The Planning Director's decision that the rezoning application is not in compliance with adopted plan policies can be appealed to the Mayor and Council. The appeal must be submitted in writing to the Planning Department within ten (10) days of the Director's written Notice of Decision. Appeals will be processed in accordance with Sec. 5.4.4.3, Type III Appeal Procedure, of the LUC. An appeal stays all processing until the appeal is heard and decided.~~

- 4.5 Acceptance of Rezoning Application. ~~As provided by Sec. 5.4.5.3 of the LUC,~~ Rerezoning applications must be accepted or rejected within seven (7) working days. If staff does not issue a decision within seven (7) working days, the application is considered accepted for review. Should the application be rejected, a new seven (7) working day review period begins upon submittal of the revised application.

As provided in Sec. 1-07.4.4 of this Standard, a rezoning application will not be accepted if it is not in compliance with adopted plan policies. The reason for this is rezoning cases are subject to a specific timetable. Rezoning requests must be heard in public hearing within seventy (70) days of acceptance of the rezoning application. That timetable does not provide adequate time to process a plan amendment and have a decision issued prior to the rezoning public hearing. In addition, both staff's and the Zoning Examiner's recommendations are based on applicable plan policies, which include the Mayor and Council's decision on the plan amendment.

~~On any rezoning application which is the result of a subregional, area, or neighborhood plan amendment, staff shall include the following information in the file; however, this information will include documentation of the Planning Commission's recommendation on the plan amendment, only if it is consistent with the Mayor and Council action.~~

~~A. The City Manager's Communication to the Mayor and Council on the plan amendment, which includes the City Manager's recommendation; the Planning Commission Chairperson's letter to the Mayor and Council containing the Planning Commission's recommendation; the Planning Director's recommendation to the Planning Commission and to the Mayor and Council; and a copy of the plan amendment application, including a copy of the concept plan, if any.~~

~~B. The summary minutes of the public hearing on the plan amendment application before, and the action by, the Planning Commission.~~

~~C. The portion of the Mayor and Council Administrative Action Report and Summary which covers the action taken on the plan amendment.~~

4.6 Changes to the Rezoning Application. If the applicant proposes changes to the rezoning application after the application has been accepted for processing, staff must determine whether or not the proposed changes ~~are sufficient to require~~ warrant additional staff or agency review. If the changes require additional review, the changes will be accepted only if submitted prior to the legal advertisement and public notification of the public hearing, and provided the changes are accompanied by the applicant's written consent ~~on~~ of his or her willingness to begin the process again from the time of application. ~~Since~~ As a public hearing on the rezoning application is required to be held within seventy (70) calendar days of the date the application is accepted, the timetable does not provide the additional time necessary for staff to evaluate any changes prior to the required public notice of the rezoning hearing; therefore, the applicant must be willing to waive the seventy (70) day requirement. ~~Once~~ After the public hearing has been advertised, any request to delay the public hearing or to change the application must be submitted to the Zoning Examiner for a determination.

4.7 Planning Department of Urban Planning and Design Recommendation. After City departments and public service agencies have reviewed and provided comment on the application, a staff report is prepared by the Planning Department of Urban Planning and Design. The report is distributed to the Zoning Examiner, the applicant, and the owners of property located within three hundred (300) feet of the rezoning site, and neighborhood associations, registered with the Department of Neighborhood Resources, within one mile of the rezoning site. The report is distributed at least fifteen (15) calendar days prior to the public hearing.

~~In accordance with Sec. 5.4.2.2.F and Sec. 5.4.2.3.F 5.4.1.7 of the LUC, on rezoning requests which are the result of a subregional, area, or neighborhood plan amendment, the Department of Urban Planning and Design Director's Recommendation or Report to the Zoning Examiner shall include the following information if it is available; however, this information will include documentation of the Planning Commission's recommendation on the plan amendment only if it is consistent with the Mayor and Council action:~~

~~A. The City Manager's Communication to the Mayor and Council on the plan amendment, which includes including the City Manager's recommendation; the Planning Commission Chairperson's letter to the Mayor and Council containing the Planning Commission's recommendation; the Department of Urban Planning and Design Director's recommendation to the Planning Commission and to the Mayor and Council; and a copy of the plan amendment application, including a copy of the concept plan, if any.~~

~~B. The summary minutes of the public hearing on the plan amendment application before, and the action by, the Planning Commission.~~

~~C. The portion of the Mayor and Council Administrative Action Report and Summary which covers the action taken on the plan amendment.~~

- 4.8 Public Hearing by the Zoning Examiner. One public hearing is required by state law for any rezoning request. The public hearing held by the Zoning Examiner on behalf of the Mayor and Council satisfies this requirement. This hearing is held within seventy (70) calendar days of acceptance of the application unless the time is waived by the applicant. This hearing is legally advertised in a newspaper of general circulation at least fifteen (15) calendar days prior to the hearing date. Property owners within three hundred (300) feet and officers or presidents of City registered neighborhood associations within one (1) mile of the subject site are also notified by mail at least fifteen (15) calendar days prior to the hearing date.

At the public hearing, the Zoning Examiner, after hearing all testimony, has the option of closing the public hearing or continuing the public hearing to another date, time, and place ~~after hearing all testimony~~. Should the Zoning Examiner continue the hearing, the continuance cannot exceed thirty (30) calendar days.

- 4.9 Zoning Examiner Recommendation. Within seven (7) days of the close of the public hearing, the Zoning Examiner issues a summary of findings, ~~together with a~~ and a preliminary recommendation to the applicant, ~~Planning~~ Department of Urban Planning and Design Director, and any other party requesting a copy. Within fourteen (14) days after the close of the public hearing, the Zoning Examiner issues and transmits a final recommendation to the Mayor and Council for action.

A party of record may request in writing that the Zoning Examiner reconsider the preliminary recommendation, or that the public hearing be reopened, if (and only if) it is alleged that there are errors of fact or procedure (see Sec. ~~5.4.5.12~~ 5.4.3.2.E of the LUC), ~~or may appeal the recommendation that the Mayor and Council hold a public hearing by submitting such requests in writing within fourteen (14) calendar days of the close of the hearing (see Sec. 5.4.5.14 of the LUC).~~ A request for reconsideration or reopening of the public hearing must be submitted to the Zoning Examiner within seven (7) days of the date of the preliminary recommendation. ~~If a request for reconsideration is filed, t~~ The Zoning

Examiner has ~~five (5) working~~ seven (7) days to determine if the recommendation should be amended or the public hearing reopened.

If the Zoning Examiner determines that either a) reconsideration is appropriate, or b) the public hearing should be reopened, the public hearing is reopened, and it must be held within forty (40) days of the close of the last public hearing. Notice is provided to all persons who received the notice for the original public hearing, and all who received the previous preliminary recommendation. The timelines are the same as for the original public hearing.

The Zoning Examiner's final recommendation is not subject to requests for reconsideration (see Sec. 5.4.3.2.F. of the LUC).

Anyone may request that the Mayor and Council hold a public hearing. A request for a Mayor and Council public hearing must be filed with the City Clerk within fourteen (14) days after the date of the close of the Zoning Examiner's public hearing or reopened public hearing. If the Zoning Examiner's recommendation is appealed, the rezoning request will be set for public hearing before the Mayor and Council. ~~If a request for a public hearing is filed, the rezoning case will be set for public hearing before the Mayor and Council.~~ If a public hearing is held by the Mayor and Council, the Mayor and Council may consider the record and testimony from the Zoning Examiner's public hearing as well as new testimony and materials presented at the Mayor and Council public hearing.

- 4.10 Mayor and Council Consideration. At the end of the appeal period for the Zoning Examiner's recommendation, the ~~The~~ rezoning request is scheduled for Mayor and Council consideration for an agenda date no sooner than the end of the 14 day period for completion of the Zoning Examiner's final recommendation. The Mayor and Council consider the Zoning Examiner's report for each rezoning request in a public meeting (as opposed to a public hearing), unless one of the following situations applies which requires that a public hearing be held: (1) the applicant, a member of the Mayor and Council requests it, or (2) there is an appeal filed on the Zoning Examiner's recommendation any other person requests a public hearing before the Mayor and Council. ~~The Mayor and Council may also require a public hearing.~~ If a public hearing is requested, notice shall be provided in the same manner as the notice for the Zoning Examiner's public hearing.

In a Type II Legislative Procedure, Sec. 5.4.2.2 When the applicant has requested zoning authorization, per Sec. 5.4.3.3 of the LUC, upon consideration of the Zoning Examiner's recommendation, the Mayor and Council may do one or a combination of the following: (1) authorize the rezoning request as recommended by the Zoning Examiner with any additional conditions the Mayor and Council deem necessary and appropriate, (2) set the request for public hearing, (3) remand the request back to the Zoning Examiner, (4) continue discussion to another time, or (5) deny the request. Should the Mayor and Council authorize the rezoning request, the conditions of rezoning shall be met prior to the rezoning ordinance being presented to the Mayor and Council for consideration.

In a Type III Legislative Procedure ("early ordinance"), Sec. 5.4.2.3 When the applicant has requested direct adoption of a rezoning ordinance, Sec. 5.4.3.4 of the LUC, upon consideration of the Zoning Examiner's report, the Mayor and Council, in addition to the options ~~listed~~ for the Type II procedure authorization procedure listed above, have the option of adopting a rezoning ordinance at the time of authorization. Should the "early

ordinance" be adopted, compliance with conditions of rezoning is still required prior to the effectuation of the rezoning and the change of the zoning maps to the requested zone(s).

Note: Prior to Mayor and Council consideration of a rezoning ordinance, the property owner(s) must agree to waive any claims against the City for diminution of value that may arise under A.R.S. §12-1134. The agreement shall be in writing and in the form specified by the City Attorney.

- 4.11 Ordinance Adoption. ~~In a Type II Legislative Procedure, where~~ When the Mayor and Council has authorized ~~the~~ a rezoning request subject to compliance with conditions of rezoning, staff will transmit an ordinance for Mayor and Council consideration upon certification of compliance with those conditions.

Note: A partial ordinance may be adopted if the project is completed in phases and conditions are met for only that phase. The portion of the request considered for the partial ordinance must be able to meet codes without reliance on future phases.

~~As mentioned in Per Sec. 1-07.4.8, on a Type III Legislative Procedure ("early ordinance"),~~
an a direct ordinance is presented to Mayor and Council for consideration of adoption at the same time the Zoning Examiner's recommendation is considered.

Note: ~~Since the "early ordinance"~~ In the direct ordinance procedure, the rezoning ordinance is adopted in full for the entire rezoning site at the time the Zoning Examiner's recommendation is considered, ~~therefore,~~ the conditions of rezoning must be met in full for the entire site (i.e., satisfaction of conditions of rezoning cannot be phased), before the zoning can be effectuated (i.e., zoning maps changed).

Note: State law requires that a thirty (30) day referendum period lapse prior to effectuation of an adopted rezoning ordinance. Effectuating the ordinance does not necessarily effectuate the rezoning. The ordinance is effectuated thirty (30) days after adoption, while the rezoning is effectuated upon staff verification that all conditions of rezoning have been met. No permits or development approvals can be granted ~~that are~~ in furtherance of the rezoning request until the thirty (30) days have day referendum period has lapsed and the conditions of rezoning have been met.

- 4.12 Time Period for Completion of Conditions. The Mayor and Council, when ~~authorizing a rezoning request considering rezoning authorization, or direct adoption of a rezoning ordinance,~~ establish a time period to meet all conditions of rezoning. The time period begins the day after the date of authorization if the ~~process is a Type II Legislative Procedure~~ authorization process is used, or, If the process is a Type III Legislative Procedure, the time period commences the day after the date of ordinance adoption if the direct ordinance process is used.

The length of the time period permitted to complete conditions of rezoning can vary from one (1) day to five (5) years. By Mayor and Council policy, the staff recommendation for rezoning requests ~~which involve~~ initiated to abate a zoning violation is ~~a~~ one (1) year period. For rezoning requests ~~which~~ that do not involve a zoning violation, a five (5) year period is recommended.

~~Should the conditions of rezoning not be completed within the required time period, the rezoning will not be effectuated, and the application file will be closed administratively.~~

Note: ~~Once~~ After a rezoning case is completed and the zoning changed, the approved development plan and rezoning conditions remain as part of the public record and run continuously with the land, regardless of ownership. Changes of use, substantial additions, removal or modification of improvements (including landscaping, screening, and parking), to the project as shown on the approved development plan or tentative plat, constitute a zoning violation. Changes to a development plan or tentative plat associated with a rezoning are processed per DS 1-07.4.15.

- 4.13 **Types of Rezoning Ordinances.** There are three (3) types of rezoning ordinances that can be presented to the Mayor and Council in either the Type II or Type III Legislative Procedure. All rezoning ordinances become effective thirty (30) calendar days after the date of adoption, as required by state law. However, the rezoning is not effectuated until compliance with all conditions of rezoning is confirmed, including the final action required by the ordinance to complete the rezoning process. All this must occur within the required time period set by the ordinance. During the period between ordinance adoption and the required final action, since the zoning is not in effect, the City cannot approve any improvement to the property that is not in compliance with the existing underlying zone.

Note: In the case of a Type III Legislative Procedure ("early ordinance"), Sec. 5.4.2.3 of the LUC, all rezoning conditions must be met for the entire rezoning site, prior to effectuation of the rezoning for the property.

~~The three (3) types of rezoning ordinances, a~~ All are considered as final actions, ~~are as follows.~~

- A. **Building Permit.** ~~This is the standard type of ordinance that is used. The~~ This rezoning ordinance, which is the standard ordinance used, requires compliance with one or more conditions of rezoning, one of which ~~one~~ is that a building permit be issued for construction of any new principal structure(s) on the rezoning site, in compliance with an approved development plan. Permits issued for grading, electrical, sidewalks, patio walls, fences, storage buildings, and other similar types of improvements are not acceptable for effectuating the zoning. The building permit must be secured within the time period allowed for the rezoning case. ~~The Planning Department is notified by the Development Services Department (DSD) when~~ When the permit is issued, ~~The~~ the zoning is then effectuated, and the ~~Planning Department changes the zoning maps~~ are changed to reflect the new zoning.
- B. **Subdivision Plat.** This rezoning ordinance requires compliance with one or more conditions of rezoning, including the completion of the rezoning process through the recordation of a subdivision plat. If the conditions are met and the subdivision plat is approved and recorded within the time period allowed, the new zoning is effectuated, and the zoning base maps are changed to reflect the new zoning.

~~The u~~ Use of this type of ordinance is generally limited to single family residential projects, where the division of lots is such that the property cannot be used for other purposes without replatting. Staff can recommend the use of this type of ordinance for other forms of development where, in staff's opinion, the same intent can be accomplished, or in such ~~instances~~ cases where the project is a large multiuse development and construction is phased, provided there is a development

plan approved for the project. In this ~~instance~~ case, the subdivision plat can be a block (or master) subdivision plat, with each block encompassing each land use area.

Note: Under this option, a rezoning ordinance can be forwarded to the Mayor and Council based on an ~~approved approval of a tentative plat by the Community Design Review Committee (CDRC), provided it can be shown showing~~ that all conditions of rezoning have been met, with the exception of the recordation of the plat. The effectuation of the rezoning will be subject to the recordation of the final plat prior to the expiration of the time period applicable to the rezoning. Although an ordinance can be adopted based on the approved tentative plat, no permits can be issued on the project until the ordinance has been effectuated. (This option allows the state-mandated thirty (30) day period, mentioned in Sec.1-07.4.6, to occur concurrently with the review of the final plat.)

- C. *Site Inspection.* This rezoning ordinance applies to those rezoning applications where the eventual improvements to the property do not require the issuance of a building permit or the recordation of a subdivision plat. The rezoning ordinance requires conditions of rezoning, including the requirement that a site inspection be conducted to verify that the Mayor and Council conditions of rezoning have been met. The inspection ~~would verify~~ verifies that site improvements have been installed on the rezoning site within the time period allowed, in accordance with an approved development plan. ~~Once~~ After the site is inspected and compliance is confirmed, the new zoning is effectuated, and the zoning ~~base~~ maps are changed to reflect the new zoning.

- 4.14 Extension of Time for Completion of Conditions. When a rezoning request has been authorized or an ordinance adopted and the specified time period within which to complete all conditions of rezoning has lapsed, the rezoning has expired and the case file will be closed in accordance with Sec. 5.4.5.17 5.4.3.11 of the *LUC*. A time extension, however, may be requested prior to the time period expiring. If the rezoning expires prior to Mayor and Council consideration of a time extension, Mayor and Council must consider reactivation of the request in accordance with Sec. 5.4.3.11 of the LUC prior to consideration of the time extension request. The time extension request should be filed with the Planning Department of Urban Planning and Design at least four (4) to six (6) eight (8) weeks prior to the expiration date so that a decision on the request can be made prior to that date. The review process is similar to that for a rezoning application, where the request is circulated for agency review and comment. At the end of that period, a staff report will be drafted ~~the item scheduled~~ presented for Mayor and Council consideration. ~~The Mayor and Council will consider the time extension request in a public meeting (no public notification required), except in the following situations.~~

A public hearing is required before the Mayor and Council if the request would extend the time period more than five (5) years from the date of the last public hearing on the rezoning request or if the time period has lapsed prior to Mayor and Council consideration of the extension.

- A. ~~— A public hearing is required before the Mayor and Council if the request would extend the time period more than five (5) years from the date of the last public hearing on the request.~~

- B. ~~If a rezoning ordinance has been adopted and the time period for compliance with conditions of rezoning has lapsed, a public hearing before the Mayor and Council is required, because the rezoning case must be reactivated in order to consider the time extension.~~
- C. ~~A public hearing is required if the time period has lapsed prior to considering the extension.~~

4.15 Change in Development Plan and/or Conditions of Rezoning. Any proposed change to a rezoning preliminary development plan, to an approved development plan, or to the conditions of rezoning are considered as follows provided below. A change for a PAD zone will additionally require conformance with Sec. 1-06.3.15.

Note: Proposed changes must comply with adopted subregional, area, or neighborhood plan policies applicable to the property; otherwise, the proposed changes will not be processed.

- A. *Process Determination.* The Urban Planning and Design Director makes a determination as to whether a proposed change to the conditions of rezoning, ~~to~~ the preliminary development plan, or ~~to~~ the approved development plan is substantial or minor. ~~This decision determines and which process applies is applied,~~ as provided in Sec. ~~5.4.5.19~~ 5.4.3.10 of the *LUC*, ~~will be applied.~~
1. A substantial change to rezoning conditions, ~~to~~ the preliminary development plan, or ~~to~~ the approved development plan requires Mayor and Council approval after a public hearing. The hearing shall be legally advertised in a newspaper of general circulation at least fifteen (15) days prior to the hearing date. Property owners within three hundred (300) feet of the subject site are notified by mail at least fifteen (15) days prior to the hearing date. Notice is also provided to City registered neighborhood associations within one (1) mile of the subject site and ~~to~~ any other person who was a party to the last public hearing on the rezoning request.
 2. A minor change to rezoning conditions, ~~to the preliminary development plan, or to the approved development plan~~ requires Mayor and Council approval after a public meeting. Property owners within three hundred (300) feet of the subject site are notified by mail at least fifteen (15) days prior to the public meeting date. Notice is also provided to City registered neighborhood associations within one (1) mile of the subject site and ~~to~~ any other person who was a party to the last public hearing on the rezoning request.
 3. A minor change to the preliminary development plan or approved development plan may be granted by the Planning Director of the Department of Urban Planning and Design.
- B. *Review Process.* The following will be applied when the requested change requires Mayor and Council consideration.
1. *Application Requirements.* According to adopted Mayor and Council policy, an applicant for these types of changes must follow the same steps as if applying for a new rezoning. This includes compliance with the preapplication

conference (Sec. 1-07.4.1), neighborhood meeting (Sec. 1-07.4.2), application documentation (Sec. 1-07.4.3), and plan compliance (Sec. 1-07.4.4) requirements.

2. *Review.* The review process is similar to that for a rezoning application. The request is circulated for agency review and comment. At the end of the agency review period, a staff report will be prepared and the item scheduled for Mayor and Council consideration in accordance with the applicable requirements of Sec. 1-07.4.15.A above.

4.16 Time Limitations on Re-filing. Mayor and Council policy and the Rules and Procedures of the Zoning Examiner require that a new request for rezoning on property previously denied rezoning by the Mayor and Council not be accepted for a period of one (1) year from the date of denial, except:

- A. when the case does not involve a request for a zone ~~which~~ that was denied or recommended as a substitute zone and rejected by the original applicant; or
- B. when a substantial change in the use of adjacent property that could not have been anticipated has occurred since the previous case was heard ~~which could not have been anticipated~~; or
- C. when there has been a change in ownership and a substantially modified development plan is presented.

~~It is also the policy of the Mayor and Council to recognize the Pima County Board of Supervisors' one (1) year policy with respect to rezoning applications which have been denied, where these properties are later annexed into the city. The one (1) year waiting period begins on the day after the date the Board of Supervisors denied the application.~~

1-07.5.0 RESPONSIBILITY FOR REVIEW. The Director of Urban Planning ~~Director~~ and Design will review this Standard annually or as necessary.

1-07.6.0 EXHIBITS. The following exhibits are attached.

- Exhibit I - Preliminary Development Plan Checklist
- Exhibit II - General Site Inventory/Design Compatibility Report Checklist
- Exhibit III - Environmental Resource Report Checklist
- Exhibit IV - Cluster Option Report Checklist
- ~~Exhibit V - Services Impact Report Checklist~~

EXHIBIT I
PRELIMINARY DEVELOPMENT PLAN CHECKLIST

- I. **APPLICABILITY.** A preliminary development plan is required ~~as part of any rezoning application processed under the Type II Legislative Procedure when the applicant requests rezoning authorization.~~ If submitting for a Type III Legislative Procedure ("early ordinance"), ~~a preliminary development plan drawn in accordance with requesting direct ordinance adoption, a development plan per~~ Development Standard No. 2-05.0 is required.

~~For the Type II Legislative Procedure~~ rezoning authorization, the preliminary development plan should demonstrate that site planning and project design are based on the analysis of site features and the character of the surrounding neighborhood, as shown in the General Site Inventory and Design Compatibility Report (*Exhibit II*). Development within areas of site constraints should be evaluated for appropriate mitigation and illustrated on the preliminary development plan.

- II. **CONTENT AND SUBMITTAL REQUIREMENTS.** The preliminary development plan should be fully dimensioned and drawn to an appropriate scale (one inch = 40 feet is suggested) on a 24 x 36 inch sheet, folded to ~~our~~ a standard 8½ x 11 inch format. Please refer to the rezoning application information packet for the number of copies required at submittal. The following are required on the preliminary development plan.

- A. The property boundary dimensions.
- B. Existing zoning, on-site and adjacent to the site. If more than one zone is requested, designate on the preliminary development plan the location of the proposed zoning boundaries along with dimensions and acreage of each zone requested.
- C. Locations, size (square footage), and height of all existing buildings within one hundred (100) feet of the project site, dimensioned to show distance to project site boundaries, including approximate densities of residential uses and types of commercial or industrial uses.
- D. Locations, size (square footage), and height of all buildings existing or proposed on the project site. Note the approximate setbacks from property boundaries and whether existing buildings will remain as part of the project or if they will be removed.
- E. The adjacent roadways and their present and future rights-of-way, as per *the Major Streets and Routes (MS&R) Plan*.
- F. Locations of any existing billboards on the project site. Note whether the intent is to leave in place, relocate, or remove.
- G. Locations of loading zones, outdoor storage, trash dumpsters, and any proposed drive-through lanes.
- H. ~~Proposed changes~~ Changes in elevation and topography due to the proposed grading plan, including spot elevations.

- I. All proposed landscaping and screening of a project from adjacent development, whether required or not (masonry walls, vegetation--indicate width of landscape strip used for screening, type of vegetation proposed, etc.). Show any areas to be left undisturbed and preserved in place. Refer to the *LUC*, Sec. 3.7.0 and Sec. 3.8.0, for specific screening and native plant preservation requirements.
- J. Drawings (details) of any landscaping and screening that will be employed to mitigate sound, visibility, exterior lighting, traffic, and other negative impacts of the proposed development.
- K. Drawings (details) of the proposed location and type of drainage solution (generalized), i.e., natural channel, street system, retention, constructed channel, landscaped areas, parking areas, etc. ~~Show erosion hazard setback lines, where applicable.~~ Where known, show all existing floodplain limits and erosion hazard setbacks that affect the project site.
- L. All parking areas, public or private streets, parking area access lanes (PAALs), and vehicular and bicycle parking requirements, including Americans with Disabilities Act (ADA) considerations.
- M. Pedestrian circulation and access, including ADA considerations.
- N. Street improvements that are proposed to mitigate any traffic impacts anticipated as part of this development (i.e., center or right turn lanes).
- O. In addition, provide a small-scale drawing indicating the rezoning site location relative to the nearest major street, preferably the intersection of two major streets.
- P. If the project will be phased, clearly indicate the areas and associated improvements that will be developed with each phase.

EXHIBIT II

GENERAL SITE INVENTORY/DESIGN COMPATIBILITY REPORT CHECKLIST

GENERAL SITE INVENTORY

- I. **APPLICABILITY.** A General Site Inventory is required for all rezoning requests. Please refer to the rezoning application information packet for the number of copies required at submittal. The General Site Inventory should, at a minimum, identify and describe existing characteristics and conditions of the site. Based on knowledge of the site's development opportunities and constraints, the applicant can appropriately design the project to accommodate site and neighborhood characteristics. This ~~basic~~ information will be compared to the supplemental information provided in ***Exhibits I, III, and IV, and V.***
- II. **CONTENT AND SUBMITTAL REQUIREMENTS.** The following material may be provided on the preliminary development plan ~~or~~ in a separate document titled "General Site Inventory" which may include maps. The written information in the General Site Inventory and Design Compatibility Report should be included as the first section of ***Exhibits III, and IV, and V,*** if these exhibits are required. A map showing the location of the project site within the boundaries of the ~~plan area~~ Area, Neighborhood, or Sub-regional Plan, as applicable, is required, along with a table of contents indicating all required information by page or map number. Any maps and illustrations presented should include a legend and north arrow, be fully dimensioned, and be drawn at an appropriate scale (one inch = 40 feet is suggested) on a 24 x 36 inch sheet, folded to ~~our~~ the standard 8½ x 11 inch format. Staff may waive or amend the requirement for any of this information if it is determined it is not necessary to evaluate the rezoning request. Staff may also require additional information, depending on the scale and intensity of the proposed development. The General Site Inventory should include the following.
- A. Soils and Topography. Map of existing topographic contour information, including spot elevations and slopes of areas which are fifteen (15) percent or greater. Indicate any unstable soils ~~which~~ that may be prone to subsidence or erosion. Indicate the presence of any landfills, "wildcat" dumping, radon gas, or dross on-site.
- B. Vegetation. Description and map of existing on-site vegetation. Indicate any vegetative areas especially important for wildlife, scenic value, or screening. Indicate any areas to be left undisturbed and preserved in place. Refer to the *LUC*, Sec. 3.7.0 and Sec. 3.8.0, for specific screening and native plant preservation requirements.
- C. Hydrology. Map of on-site hydrology (i.e., locations of existing washes, one hundred [100] year floodplains). Reference whether the City Floodplain Ordinance and/or Article VIII, Section 29-12 of the Tucson Code, Watercourse Amenities, Safety, and Habitat, or the Environmental Resource Zone are applicable to the site. Show any existing floodplain limits and/or erosion hazard setbacks from offsite areas that affect the project site.
- D. Cultural Resources and Public Services.
1. Provide a letter from the Arizona State Museum, the State Historic Preservation Office, or a qualified archaeologist indicating whether the site has been field surveyed, whether there are archaeological or historical resources on or

adjacent to the site, and stating their recommendations with regard to further investigation and/or preservation.

2. Map the locations of schools abutting the project site. For residential projects, include as a map note or attached summary, the names of existing and proposed parks, libraries, and schools within a one-half (½) mile radius of the rezoning site. Provide the projected number of children who may be attending elementary, secondary, and high schools from the project site.
 3. Map the locations of parks and public land abutting the project site and existing and proposed trails and trail access.
 4. Indicate existing street improvements currently serving the site, such as curbs, gutters, sidewalks, and paving and the average daily trips (existing trips) on streets adjoining the proposed project.
 5. Provide trip generation calculations for existing and proposed uses on the project site, including separate calculations for each different land use activity if the proposed project is a mixed use project.
 6. Indicate any gateway or scenic routes adjoining the parcel.
 7. Indicate whether the development will connect to public sewer.
 8. Indicate who will provide water service to the site. Indicate whether the water company is certified by the state for the one hundred (100) year assured water supply. If the company is a service other than Tucson Water, indicate whether the company can provide fire protection service as well as domestic water.
- E. Views. Describe the views to and from the site. Provide photographs and/or map the views.
- F. Relationship of Preliminary Development Plan to General Site Inventory. Provide a written summary, supplemented by maps, map overlays, or a composite map, describing how the proposed development responds to the unique characteristics of the site or surrounding neighborhood. Any area of the site proposed for development ~~which~~ that would conflict with an adopted City ordinance or policy must be specifically delineated, e.g., shaded or cross-hatched. The justification for disturbance of this portion of the site must be provided. At the discretion of the applicant, this information may be provided as part of other required reports (~~Exhibits III through V and IV~~), if applicable.

DESIGN COMPATIBILITY REPORT

- I. **APPLICABILITY.** A Design Compatibility Report is required for all rezoning requests in addition to the information in the General Site Inventory. While the General Site Inventory acknowledges existing conditions and issues related to the development of the site, the Design Compatibility Report focuses on land use compatibility and the built environment. This information is evaluated based on how the proposed project utilizes the General Site Inventory;

complies with applicable neighborhood, area, and subregional plans; and integrates the project into the existing environs.

- II. CONTENT AND SUBMITTAL REQUIREMENTS.** The Design Compatibility Report is intended to address the design issues identified in the General Site Inventory; subregional, area, neighborhood, and *General Plan* policies; and the *LUC* requirements. Any proposed development activity in conflict with adopted City ordinances or policy direction must be described. The report should demonstrate the measures used to mitigate the project's design impact on the surrounding area. Depending upon the types of mitigation measures to be used, these measures may be shown on the preliminary development plan or provided as written summary information.

Any maps and illustrations presented should include a legend and north arrow, be fully dimensioned, and be drawn at an appropriate scale (one inch = 40 feet is suggested) on a 24 x 36 inch sheet, folded to ~~our~~ the standard 8½ x 11 inch format. Please refer to the rezoning application information packet for the number of copies required at submittal.

The Design Compatibility Report should include the following.

- A. Supplemental Information for Preliminary Development Plan. The following design features are most appropriately shown on the preliminary development plan.
1. ~~Additional proposed~~ Increased building setbacks, proposed beyond the minimum requirement, ~~which to~~ mitigate impact.
 2. Transition of building height and number of stories.
 3. Transition of densities.
 4. Changes in elevation due to grading.
 5. The proposed drainage solution (generalized), i.e., natural channel, street system, retention, constructed channel, landscaped areas, parking areas, etc. Include rationale for constructed drainage system, if one is proposed.
 6. Locations of walkways, parking and loading areas, and pedestrian connections.
 7. Types and placement of signs.
 8. Types and placement of lighting.
 9. Vehicular, pedestrian and bicycle connectivity with offsite adjacent areas, including provisions for future connectivity.
 10. Indicate if a rezoning is currently authorized on any property adjacent to the sites. In the report, discuss the nature of these rezoning proposals.
- B. Landscape Plan. The following design features are most appropriately shown on a landscape plan. If possible, this information can be shown on the preliminary development plan.

1. Types, placement, and sizes of proposed vegetation. Include the number of canopy trees in parking areas.
 2. Screening measures, such as masonry walls, berms, and vegetation; types of material, location, and shape.
 3. Defensible space techniques, as described in relevant policy direction (contact the Crime Prevention Section of the Tucson Police Department).
 4. ~~Include landscaping~~ Indicate ~~the~~ landscaping, pedestrian access, and recreational features, both active and passive, that are proposed within detention areas ~~and~~ drainageways.
 5. Any onsite trails that will be constructed, and connections between the onsite trails and existing offsite trails.
- C. Building Materials and Styles. A statement and/or illustration as to how the proposed building form, surface treatment, and materials respond to and are compatible with the climate, neighborhood context/existing development, and human scale, with the following elements as a guide for discussion. This discussion is your opportunity to explain how your development will ~~be of~~ benefit ~~to~~ the neighborhood. If your design conflicts with neighborhood context, explain the reason for your plan and design solutions.
1. Architectural form (i.e., variation in rooflines, pitch, flat), color, and material of structures proposed on-site, as well as existing adjacent buildings off-site.
 2. Design for privacy and provision of defensible space.
 3. Provision of view corridors.
 4. Environmental response (i.e., energy conservation techniques, building orientation, placement of landscaping, etc.).
 5. Existing landscaping and screening (walls/fences) along site boundaries on adjacent properties.
- D. Policy Compliance. Note the applicable subregional, area, or neighborhood plans. Provide a summary statement describing how the proposed development complies or conflicts with adopted plan policies. Any area of the site proposed for development ~~which that~~ would conflict with an adopted City ordinance or policy must be specifically ~~delineated~~ identified. Also discuss how the proposal is consistent with and supported by policies in the General Plan.

**EXHIBIT III
ENVIRONMENTAL RESOURCE REPORT CHECKLIST**

I. APPLICABILITY. An Environmental Resource Report is required for rezoning requests, in addition to the General Site Inventory and Design Compatibility Report, in the following ~~instances~~ situations.

- (1) Requests lying within certain adopted plan areas ~~which~~ that identify environmental issues, including subregional, area, and neighborhood plans. Those plan areas are: *Bear Canyon, Catalina Foothills, Esmond Station, Houghton East, Houghton Area Master Plan, Old Fort Lowell, Pantano East, Rincon/Southeast, Santa Cruz, Sabino Canyon-Tanque Verde, South Pantano, Tucson Mountains, and Tumamoc.*
- (2) Requests where development is proposed along any designated resource corridor or within one (1) mile of designated public preserves. These are areas ~~which~~ that may involve sensitive terrain, significant wildlife, and natural water courses or drainageways ~~which~~ that have been identified for preservation or protection by a land use plan, basin management plans, the Tucson Stormwater Management Study, ~~or~~ the Critical and Sensitive Biological Communities Map (CSBC); or by Pima County as per the Floodplain and Erosion Hazard Management Ordinance (i.e., Important Riparian Areas), and the Comprehensive Plan (i.e., areas designated for protection as part of the Conservation Land System).

The basin management plans ~~which~~ that establish certain design standards for washes include: West Branch Santa Cruz, Houghton East, Este Wash, Arroyo Chico, and North Stone. These plans are to be followed as applicable. The public preserves identified for purposes of this report include Saguaro National Park (East and West Units), Tucson Mountain Park, and Coronado National Forest.

The Environmental Resource Report is required whenever the "set aside" option of the Native Plant Preservation Ordinance (NPPO) is proposed. It can also be used as the basis of the Native Plant Inventory and Native Plant Preservation Plan if prepared in sufficient detail.

Although the Environmental Resource Report focuses on natural site features, the report will also inventory other site conditions, where applicable, such as adjacent land uses, traffic patterns, parks, and schools, in order to assess the full impacts of the proposed development. Based on knowledge of the site's development opportunities and constraints, the applicant can appropriately design the project to accommodate site and neighborhood characteristics.

Note: Some of these plans have areas ~~which~~ that are largely urbanized. In these situations, where a rezoning case focuses on "fitting" new development into an existing built-up area, the Environmental Resource Report may be waived by Urban Planning and Design staff. Consideration will be on a case-by-case basis.

II. CONTENT AND SUBMITTAL REQUIREMENTS. A table of contents indicating all required information by page or map number is necessary. A location map showing the project site within the boundaries of the plan area or a public preserve is required. All maps and illustrations should include a legend and north arrow, be fully dimensioned, and be drawn at an appropriate scale (one inch = 40 feet is suggested) on a 24 x 36 inch sheet, folded to ~~our~~ the

standard 8½ x 11 inch format. Please refer to the rezoning application information packet for the number of copies required at submittal. All maps should be consistent and of a scale to clearly show the information presented. Contours, where required, may be at either one (1) foot or two (2) foot intervals. All aerial photographs used should be no more than two (2) years old and should indicate the flight date, a north arrow, and the project site boundaries.

The Environmental Resource Report submittal must contain: 1) an inventory, 2) a composite map, and 3) a conceptual grading plan. Detailed requirements are outlined as follows.

A. Inventory.

1. *Topography/Hydrology Map.*

- a. ~~Topography may be shown~~ Show topography with a one (1) or two (2) foot contour map or an aerial photo with a one (1) or two (2) foot contour overlay. The features highlighted should include protected peaks and ridges, slopes of fifteen (15) percent or greater, and drainage patterns.
- b. ~~On-site~~ Map on-site predevelopment hydrologic ~~characteristics should be mapped~~ features, including any one-hundred (100) year floodplains with discharge of fifty (50) cfs or greater and peak discharges entering or leaving the site, for one-hundred (100) year events.
- c. Describe and map post-development water discharge on- and off-site within one-fourth (¼) of a mile; describe and map potential drainage impacts of off-site land uses both upstream and downstream of the proposed development.
- d. Describe and map on an aerial photograph those drainageways currently subject to the provisions of the Watercourse Amenities, Safety, and Habitat (WASH) ordinance and those identified on the Environmental Resource Zone (ERZ) maps; adopted subregional, area, and neighborhood plans; the Tucson Stormwater Management Study; ~~or~~ the Critical and Sensitive Biological Communities (CSBC) Map; or the Pima County Conservation Land System, or Important Riparian Areas (as per the Floodplain and Erosion Hazard Management Ordinance).
- e. Reference ~~should be made to~~ any applicable basin management plan, the Tucson Stormwater Management Study, the Critical and Sensitive Biological Communities (CSBC) Map, floodplain regulation, or scenic corridor policy, or Pima County Conservation Land System or Important Riparian Areas policy ~~which that~~ requires drainageways to be left in their natural state.
- f. Describe and map the approximate location of design features that will be used to mitigate drainage and erosion problems (examples include: preservation of drainageways and associated vegetation in their natural state, retention/detention basins, revegetation, gabions, and riprapping).

- g. If State why significant encroachment upon natural features, vegetation, or floodplain areas ~~areas are proposed to be encroached upon state why the encroachment could not be avoided~~ and what mitigation measures will be taken.
- h. All areas to be left undisturbed must be mapped, and temporary fencing must be installed prior to grading and construction to preclude disturbance ~~prior to grading and construction~~. A note and plan reference is required.
- i. ~~Proposed d~~ Development ~~which is to occur~~ proposed on any lot or parcel identified ~~on~~ within the Hillside Development Zone (HDZ) ~~maps~~ requires calculations for the overall cross slope of the parcel to determine if the HDZ applies. If the HDZ applies, indicate how compliance will be achieved.

(Sources: City of Tucson Department of Urban Planning and Design Department [ERZ and HDZ maps] and Office of the City Engineer [WASH ordinance]); Tucson Stormwater Management Study; and the Critical and Sensitive Biological Communities [CSBC] Map, Pima County ~~f~~ Floodplain and Erosion Hazard Ordinance per DS 2-13.2.2.C.1)

2. *Soils Map.*

- a. State whether soils testing has been done for the site, either for the subject proposal or a previous development, and include the results of the testing.
- b. Map any heavily disturbed areas (by prior grading or excavation) and any unstable soils which may be prone to subsidence or erosion.
- c. Show the location of any hazardous materials on the project site placed on the property or naturally occurring, such as landfills, "wildcat" dumping, dross, or radon gas.
- d. ~~When~~ Describe, when applicable, ~~describe~~ soil suitability for septic use.

3. *Vegetation and Wildlife Map.*

- a. ~~All~~ Locate all vegetative communities and plant associations on-site ~~should be located~~ on an aerial photo ~~or mapped~~, including mesquite bosques; any visually prominent cacti or individual trees, with a caliper of four (4) inches or greater; and all saguaros. Also see Development Standard 2-15.0.
- b. ~~Any~~ Show any areas where vegetation provides scenic value, screening and/or buffering, and soil stabilization.
- c. Delineate any habitat type noted on the Critical and Sensitive Biological Communities (CSBC) Map including riparian and significant nonriparian

habitat. Describe the densities of any of these communities or associations.

- d. Include a written statement from the Arizona Game and Fish Department's regional office regarding:
 - (1) endangered species (both plant and animal) on or near the project site;
 - (2) significant densities of wildlife by species; and
 - (3) all Class I or Class II habitat as defined by the CSBC Map present on or adjacent to the project site.
- e. Show any areas included in the Conservation Land System, as per the *Pima County Comprehensive Plan*.

(Sources: Arizona Game and Fish Department and Critical and Sensitive Biological Communities [CSBC] Map, Pima County Comprehensive Plan and the Pima County Floodplain Management Ordinance)

- B. Composite Map. The composite map is ~~prepared based on~~ developed from the inventory information. This map indicates where development is desirable and where, due to site constraints, land should be left undisturbed. ~~This~~ The PDP should be based on this composite information, ~~should be reflected on the preliminary development plan as to how~~ This will guide the design of the proposed development, ~~will mitigate with emphasis on mitigation of~~ potential adverse impacts on adjacent parcels, or the character of the immediate neighborhood, through site design, setbacks, screening, landscaping, preservation of sensitive open space, etc. The following elements should be presented (as applicable) on the composite map.
- 1. Gateway or scenic routes.
 - 2. Drainageways to be left in a natural state.
 - 3. Historical or archaeological features.
 - 4. Heavily disturbed soils.
 - 5. Landfills.
 - 6. Protected peaks/ridges.
 - 7. Sloped areas in excess of fifteen (15) percent.
 - 8. Significant vegetative communities and/or wildlife habitat corridors.
 - 9. Trails and trail access points.
 - 10. Adjacent land uses.

C. Conceptual Grading Plan.

1. Indicate all areas proposed for grading.
2. Note all proposed changes in elevations within the project boundary due to grading by providing predevelopment and post-development spot elevations. Indicate maximum grade differential from adjacent properties at project boundaries. Differential grading information is to be provided in accordance with the Differential Grading Ordinance Standard (DS 11-01.8.1.A).
3. Indicate approximately ~~how much~~ the surface area of the project site that will be graded as a result of the proposed development.
4. Show all proposed changes to drainageways, including upstream and downstream conditions.

**EXHIBIT IV
CLUSTER OPTION REPORT CHECKLIST**

- I. **APPLICABILITY.** A Cluster Option Report is required for rezoning requests that are proposing an increase in the maximum residential gross density under the "Low Intensity Urban" cluster options in the *Catalina Foothills*, *Tucson Mountains*, or *Rincon/Southeast Subregional Plans*. Low Intensity Urban is one of the residential intensity categories shown on the land use map and legend for these plans. This requirement is not necessarily related to or affected by City Code requirements of the Residential Cluster Project (RCP).
- II. **INTENT.** The intent of the cluster option, as set forth in the Low Intensity Urban plan category of the subregional plans, is to promote innovative site planning that preserves natural site features (i.e., open space, native vegetation, washes, wildlife habitat, significant topography, and historical and archaeological resources) while protecting the character of adjacent neighborhoods. The Cluster Option Report provides an opportunity for the applicant to demonstrate compliance with the open space requirements of the Low Intensity Urban cluster option and the compatibility of the cluster design with existing and proposed site and neighborhood features.
- III. **DEFINITIONS.** In order to qualify for increases in gross density as provided in the Low Intensity Urban plan category, the development proposal must meet the relevant "cluster open space" and "natural open space" area and ratio requirements listed in the Low Intensity Urban category. The following open space definitions should guide site planning and cluster option compliance.

Note: The following definitions apply only to *Exhibit IV* of this Standard and are not applicable to other Development Standards.

Cluster Open Space: Open space, either natural or functional, provided to compensate for lot size reductions from minimum lot size requirements or increases in overall gross density.

Common Open Space: Land area within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. Common open space may be either natural open space or functional open space.

Functional Open Space: Open space that is a designed element of the development and has a functionally described and planned use as an amenity for the direct benefit of the residents of the development. Man-made impervious surfaces shall not exceed three (3) percent within areas so designated. Examples include:

1. landscaped areas ~~which~~ that provide visual relief, shade, screening, buffering, and other environmental amenities;
2. nature trails;
3. exercise trails;
4. active recreation areas, e.g., playgrounds, baseball fields, multi-use areas;

5. picnic areas and facilities;
6. recreation areas and facilities, e.g., swimming pools, tennis courts;
7. golf courses.

Natural Open Space: Any area of land, essentially unimproved and not occupied by structures or man-made impervious surfaces, that is set aside, dedicated, or reserved in perpetuity for public or private enjoyment as a preservation or conservation area.

Natural Undisturbed Open Space: Any area of land that is unimproved and not occupied by structures or man-made impervious surfaces that is set aside, dedicated or reserved in perpetuity as a preservation conservation area for public or private enjoyment. A pedestrian or non-motorized access trail may be located in a natural undisturbed open space.

Public Open Space: Open space owned by a public agency, such as the City of Tucson Department of Parks and Recreation, and maintained by it for the use and enjoyment of the general public.

IV. CONTENT AND SUBMITTAL REQUIREMENTS. The following material should be submitted along with, or as part of, the preliminary development plan, General Site Inventory/Design Compatibility Report, and Environmental Resource Report. Any maps and illustrations presented should include a legend and north arrow, be fully dimensioned, and be drawn at an appropriate scale (one inch = 40 feet is suggested) on a 24 x 36 inch sheet, folded to our standard 8½ x 11 inch format. Please refer to the rezoning application information packet for the number of copies required at submittal.

- A. Summary Statement. The Cluster Option Report shall include a statement ~~which~~ that addresses environmental and design issues identified in the General Site Inventory and Environmental Resource Report and addressed on the preliminary development plan. The purpose of this statement is to acknowledge existing site conditions and issues related to the development of the site and to describe how the cluster option will result in the preservation of open space resources and protection of adjacent neighborhood character through flexible site design.
- B. Preliminary Development Plan. At the discretion of the applicant, the preliminary development plan may be a map or series of map overlays (see **Exhibit I** for requirements). However, additional map annotations or supplementary materials provided may assist staff in assessing compliance with cluster option review criteria.

V. REVIEW CRITERIA. Staff will review cluster option reports for compliance with the following criteria.

- A. Open Space Requirements.
 1. Cluster open space ownership and control shall be only:

- a. as part of an individual, private lot with recorded covenants running with the land;
 - b. by a homeowner's association; or
 - c. by the City of Tucson, as legally dedicated to, and approved by, the Mayor and Council.
 2. Third-party ownership of cluster open space shall not be allowed. The association may enter into contracts (i.e., easements) or lease agreements to allow third-party operation of uses permitted within functional open space, as defined in this option.
 3. Natural open space adjacent to public parks, preserves, or County- or City-maintained stream channels may be deeded to Pima County or the City of Tucson as public open space, if approved by the Mayor and Council [and/or the Board of Supervisors, as appropriate.](#)
 4. Cluster open space shall be an integrated part of the site design and shall be located within the boundaries of the cluster development it serves.
 5. Phased developments shall provide cluster open space for each phase, so that each phase may stand alone.
 6. Cluster open space shall not include public or private streets, driveways, parking areas, channelized drainageways, or disturbed, unvegetated areas.
- B. Additional Review Considerations. Staff will review the preliminary development plan to evaluate the project's response to the open space preservation/site design objectives of the cluster option to determine the project's merits for density increases provided under the Low Intensity Urban plan category. The preliminary development plan should clearly indicate the acreages and percentages of different types of open space versus developed area. In reviewing a cluster option preliminary development plan, staff shall give particular consideration to the following criteria.
1. Individual lots, buildings, streets, and parking areas shall be designed and situated to minimize alteration of natural and historic site features and structures.
 2. The utility of functional open space shall be determined by its size, shape, topographical, and locational requirements.
 3. Cluster open space shall include irreplaceable natural features located on the site (such as, but not limited to, stream beds and banks, significant stands of vegetation and trees, individual trees and cacti of significant size, rock outcroppings, peaks, ridges, and slopes).
 4. Cluster open space intended for a recreation or common use shall be easily accessible to pedestrians, and accessibility shall meet the needs of the handicapped and elderly.

5. The suitability of cluster open space intended for scenic purposes shall be determined and validated by its visual impact and quality as seen from a significant number of units or buildings or by its visibility along the nearest lengths of public or private streets.
6. The suitability of individual building types and designs shall be determined by how well they function and relate to the natural constraints of the site.
7. Individual lots, buildings, and units shall be arranged and situated to relate to surrounding properties, to improve the view of buildings, to maximize energy conservation, and to minimize the land area devoted to motor vehicle access.
8. Individual lots, buildings, units, and parking areas shall be situated to mitigate ~~the~~ adverse effects of pollution, noise, lighting, and traffic on the residents of the site.
9. Existing sites, structures, and landmarks having a potential for historic preservation shall be identified and, where possible, integrated into the preliminary development plan as a designed feature of the project.

EXHIBIT V
SERVICES IMPACT REPORT CHECKLIST

- I. ~~**APPLICABILITY.**~~ A Services Impact Report is required as part of a rezoning application, in addition to the applicable requirements of ~~*Exhibits I, II, III, and IV*~~, when the "early ordinance" option (Type III Legislative Procedure, Sec. 5.4.2.3, of the *LUC*) is requested. Required reports may be combined into one document. The purpose of the Services Impact Report is twofold. First, it enables the rezoning applicant to become knowledgeable about the project's demand on public services, as well as the impact on adjacent property owners. Based on knowledge of the site's development opportunities and constraints, the applicant can appropriately design the project to accommodate site and neighborhood characteristics. Second, it provides staff with the necessary information to thoroughly evaluate the project for recommendation to the Mayor and Council. The information contained in the Services Impact Report will enable the Mayor and Council to make a more informed decision based on the demands on public infrastructure, site characteristics, and neighborhood considerations.
- II. ~~**CONTENT AND SUBMITTAL REQUIREMENTS.**~~ Please refer to the rezoning application information packet for the number of copies required at submittal. The following list is an outline of the Services Impact Report material to be submitted as part of the rezoning application. This information may be presented in report form and/or as a map or series of maps, all fully dimensioned and drawn to an appropriate scale (one inch = 40 feet is suggested) on a 24 x 36 inch sheet, folded to our standard 8½ x 11 inch format. For some of the required information, written text is acceptable.

The Services Impact Report shall contain the following elements.

- A. ~~**Project Location.**~~ A small project location map at a scale of one inch = 1,000 feet showing the rezoning site at the center and indicating what generalized land uses surround it within a one-half (½) mile radius. Major streets should be indicated.
- B. ~~**Circulation and Trip Generation.**~~
1. ~~The following information is to be mapped.~~
 - a. ~~Major and/or local streets abutting the project; existing names and widths of these streets; proposed rights-of-way for the major streets per the *Major Streets and Routes (MS&R) Plan*; scenic or gateway routes abutting the project site; distance to and identification of nearest major intersection.~~
 - b. ~~Existing and proposed curb cuts and access drives; their widths and locations relative to the street intersection or to the project property line; any driveways to be closed.~~
 - c. ~~Locations of deceleration or turn lanes if traffic volumes, access, or other design features require this solution after consultation with the City Traffic Engineer.~~
 - d. ~~Locations of existing/proposed curbs, driveways, sidewalks, and bike paths both on-site and adjacent off-site; locations of structures, such as~~

~~poles or transformers, that will require relocation because of new right-of-way improvements.~~

- ~~2. The following information is to be provided in the form of notes on the map or as part of a separate report.~~
 - ~~a. Locations of existing or proposed traffic signals within one (1) mile of the project boundaries. Locations of nearest existing public transit stops, any proposed transit stops, and park-and-ride facilities.~~
 - ~~b. Projected date of any roadway or other improvements affecting the project and currently included in the City Capital Improvement Program (C.I.P.), including street lighting improvements; indicate if property owner is required or willing to participate in an improvement district for these improvements.~~
 - ~~c. Trip generation calculations for existing and proposed uses on the project site, including breakout by different land use activities if it is a mixed-use project.~~
 - ~~d. Existing traffic counts (average daily traffic) on the major streets within one (1) mile of the proposed project.~~
 - ~~e. Traffic mitigation measures proposed by the applicant (including air quality mitigation, such as carpooling programs, staggered work hours, park-and-ride lots, and bus shelters).~~

~~(Sources: Offices of City Engineering, Traffic Engineering, and Transportation Planning; Sun Tran; the Pima Association of Governments; and the Pima County Department of Environmental Quality)~~

~~C. Schools/Recreational and Cultural Facilities.~~

- ~~1. The following information is to be mapped.~~
 - ~~a. Locations of any schools, parks, libraries, and public land abutting the project site; show the name of the facility and the ownership. If any abutting vacant land is proposed for such uses, indicate the name of the facility and the ownership.~~
 - ~~b. Pedestrian and bike routes currently used by children going to schools, parks, or other public facilities and those proposed if the project is residential; note any conflict points, if known, between vehicular and pedestrian or bicycle traffic.~~
 - ~~c. Historical sites or structures and archaeological or other historical resources on or adjacent to the site. Provide a letter from either the Arizona State Museum, the State Historic Preservation Office, or a qualified archaeologist who reviews all of the available information for the site. This record check should:~~

- ~~(1) — determine whether the site has been field surveyed for cultural resources; and~~
- ~~(2) — make an informed recommendation as to whether an archaeological survey of the site is needed.~~
- ~~d. — Location of any trail or trail access (foot, horse, or bicycle access or any access to a public preserve), on or adjacent to the site, existing or designated on the City Parks, Recreation, Open Space, and Trails (PROST) Element of the *General Plan* or the Pima County Trail System Master Plan. Note whether any current or future trails are located within one (1) mile of the site.~~
- ~~2. — The following information is to be provided in the form of notes on a map or as part of a separate report.~~
 - ~~a. — If the project is residential, list the names of any existing or proposed schools which service this project. List any parks within a one (1) mile radius of the rezoning site.~~
 - ~~b. — If the project is residential, project the number of children who may be attending elementary, secondary, and high schools.~~

~~(Sources: School Districts - Administrative Offices: Tucson Unified, Amphitheater, Vail, Sunnyside, Flowing Wells, and Catalina Foothills; City Parks & Recreation Department; Pima County Parks and Recreation Department; Arizona State Museum; PAG regional bikeway plan (*Bicycling*); and The Conceptual Parks, Open Space, and Trail System map contained in Policy 9 of the *General Plan*)~~

~~D. — Utilities.~~

- ~~1. — The following is to be mapped.~~
 - ~~a. — All utilities (including utility line sizes and locations) and any dedicated easements existing on or adjacent to the project site—gas, electric, water, telephone, cable, sewer, fire protection, etc.~~
 - ~~b. — Any proposed changes to existing utilities and easements and any new utilities and easements due to utility service or any required upgrades (poles, transformers, cables, etc.).~~
 - ~~c. — Proposed location(s) of trash dumpster(s) and proper maneuvering area for pick-up vehicle.~~
- ~~2. — The following information is to be provided in the form of notes on the map or in a written summary.~~
 - ~~a. — If the project is residential, calculate the total number of residents to be living on the site.~~

- b. ~~If not located within the service area of the Tucson Water Department, indicate assured water supply and water district, and note if the supplier is certified.~~
- c. ~~Indicate whether the project can be connected to existing infrastructure or whether the project requires new off-site improvements to the infrastructure.~~
- d. ~~If on-lot sewage disposal is proposed, state the reasons for not utilizing public sewer service.~~

~~(Sources: Tucson Water; Pima County Wastewater Management; and Arizona Department of Water Resources)~~

E. ~~Soils and Topography.~~

- 1. ~~The following is to be mapped.~~
 - a. ~~Any heavily disturbed areas (by prior grading or excavation) and any unstable soils which may be prone to subsidence.~~
 - b. ~~Locations of any hazardous materials on the project site placed on the property or naturally occurring, such as landfills, "wildcat" dumps, dross, or radon gas. State whether soil testing has been done for the site, either for the subject proposal or for a previous development.~~
 - c. ~~Topographic contour lines or spot elevations.~~
 - d. ~~Direction and percent slope of all areas over fifteen (15) percent if the proposed development is to occur on a parcel identified on the Hillside Development Zone (HDZ) maps available in the Planning Department.~~
 - e. ~~Any other significant conditions on the site.~~
- 2. ~~The following information is to be provided in the form of notes on the map or in a separate report.~~
 - a. ~~If applicable, describe soil suitability for septic use.~~
 - b. ~~Locations of any landfill sites or hazardous materials storage within one (1) mile.~~
 - c. ~~Any other existing facilities/operations within one (1) mile which may impact the project (such as sand/gravel operations, power plants, airports, sewage treatment plants, etc.).~~

~~(Sources: City Sanitation Division - Department of Solid Waste Management; Pima County Wastewater; United States Geological Survey topographical maps; Pima County~~

CITY OF TUCSON
DEVELOPMENT STANDARD NO. 1-07.0
REZONING PROCEDURES

DRAFT

Department of Environmental Quality; U. S. Dept. of Agriculture Soil Conservation Service; and Pima Association of Governments)

F. ~~Drainage.~~

1. ~~The following is to be mapped.~~

- a. ~~On-site and off-site drainageways which relate to project site drainage characteristics. Note if part of any of the drainageway or its adjacent off-site system is natural or constructed (engineered channel, etc.). Are constructed drainage channels proposed as part of the project?~~
- b. ~~One hundred (100) year floodplains on the site or adjacent to the site.~~
- c. ~~Drainageways subject to the provisions of the Environmental Resource Zone (ERZ) or Watercourse Amenities, Safety, and Habitat (WASH) ordinances.~~
- d. ~~Spot elevations or topographic contour lines.~~
- e. ~~Erosion hazard (setback) areas.~~

2. ~~The following information is to be provided as notes on the map or in a separate report.~~

- a. ~~Estimated amount of cubic feet per second (cfs) on record at peak flow one hundred (100) year event currently entering and leaving the site.~~
- b. ~~Whether existing condition is sheet flow or in a contained channel (natural or constructed), and locations of proposed retention/detention areas.~~
- c. ~~Estimated peak one hundred (100) year flow entering and exiting the site after development.~~

~~(Source: City Office of Floodplain Engineering)~~

G. ~~Preliminary Development Plan.~~ Once the maps, notes, and other written documentation have been prepared for the six (6) elements discussed above, the information can be used in designing the project and in preparing the preliminary development plan. (Refer to **Exhibit I** for information.)